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REMARKS

The present Amendment is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt reconsideration and allowance of the claims are respectfully requested.

Status of Claims

Claims 1-37 are pending in the application. Claims 1, 2, 5, 6 and 26-30 are canceled. Claims 3, 4, 7, 9-17, 20-25 and 31-34 are amended.

Applicant respectfully asserts that the amendments to the claims add no new matter.

Claims 1, 2, 5, 6 and 26-30 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in these claims to file divisional and/or continuation patent applications.

Allowable Subject Matter

In the Office Action, the Examiner stated that claims 35-37 are allowed and that claims 3 and 31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 and 31 have been amended to an independent form, and include limitations not taught or suggested by the prior art of record. Although amended claims 3 and 31 do not include all the limitations of canceled claims 1-2 and 29-30, respectively, it is respectfully asserted that the limitations of amended claims 3 and 31 are sufficient to patentably distinguish these claims over the prior art, as implied by the Examiner's indication of

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allowability. Applicant further asserts that these amendments do not narrow the scope of claims 3 and 31.

Amendment and Cancellation of Claims

Claims 3, 4, 7, 9-17, 20-25, and 31-34 have been amended to more clearly define what Applicant regards as the invention. It is respectfully asserted that all the pending claims are new and non-obvious in view of the cited prior art references.

Claim 1, 2, 5, 6 and 26-30 have been canceled without prejudice or disclaimer. Applicant reserves the right to resubmit this canceled claim in continuation, divisional or otherwise related applications.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

The Office Action rejected claims 1, 2, 4-30 and 32-34 under 35 U.S.C. § 102(e), as being anticipated by Wright et al (US 6,587,514). As discussed in detail in the following remarks, Applicant respectfully traverses this rejection in as much as it applies to claims 17-25, some of which have been amended. Regarding the other rejected claims, without conceding the appropriateness of this rejection, Applicant respectfully asserts that the rejection is moot in view of the cancellation without prejudice of claims 1, 2, 5, 6 and 26-30, the amendments to claims 3, 4, 7, 9-16 and 31-34, and the following remarks.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office Action has not succeeded in making a *prima facie* case.

37 CFR § 1.104 requires that the Office action explain "[t]he pertinence of each reference" must be clearly explained.

Applicant respectfully submits that these two statements do not establish the prerequisite *prima facie* showing. 35 USC § 104(c) requires that the Examiner, at a

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minimum, clearly explain how the relied upon document anticipates every feature of a claim that is being rejected.

Further, M.P.E.P § 2142 specifies that the initial burden to establish a prima facie showing rests with the Examiner. If the Examiner does not establish the prerequisite prima facie showing, Appellants are not under any obligation to rebut the rejection because per the MPEP, the rejection is improper for failure to establish a prima facie showing.

Independent claim 17, as amended, recites "...estimating a complex-valued base band equivalent gain..." and further recites "... selecting a value of the in-phase/quadrature phase mismatch cancellation parameter...".

Applicant respectfully asserts that Wright does not teach, suggest, or even imply a complex-valued base band equivalent gain or an in-phase/quadrature phase mismatch cancellation parameter as recited in amended claim 17. Therefore, it is respectfully asserted that the Wright reference does not anticipate amended claim 17. Accordingly, Applicant respectfully requests that the rejection of this claim under 35 U.S.C. § 102(e) be withdrawn.

Furthermore, Applicant respectfully asserts that amended independent claim 17 is patentable over Wright, inter alia, because the distinguishing features of the invention over Wright, as discussed above, would not have been obvious to a person of ordinary skill in the art at the time the invention was made in view of the state of the art at such time. Therefore, it is respectfully asserted that claim 17 is now in condition for allowance.

Claims 18 and 19 depend, directly or indirectly, from claim 17, and therefore include all the limitations of this claim as well as additional distinguishing features. Therefore, Applicants respectfully assert that dependent claims 18 and 19 are likewise allowable.

Independent claim 20, as amended, recites "a trainer to provide an in-phase/quadrature phase mismatch cancellation parameter responsive to values received from both an input and an output of an in-phase/quadrature phase modulator and from an input and an output of an in-phase/quadrature phase demodulator to an in-phase/quadrature phase cancellation unit"

Applicants respectfully assert that Wright does not teach, suggest, or even imply a mismatch cancellation parameter that is responsive to inputs and outputs of an in-phase/quadrature (IQ) modulator and demodulator as recited in amended claim 20.

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For the above reasons, it is respectfully asserted that the Wright reference does not anticipate amended claim 20. Accordingly, Applicant respectfully requests that the rejection of this claim under 35 U.S.C. § 102(e) be withdrawn.

Furthermore, Applicant respectfully asserts that amended independent claims 20 is patentable over Wright, inter alia, because the distinguishing features of the invention over Wright, as discussed above, would not have been obvious to a person of ordinary skill in the art at the time the invention was made in view of the state of the art at such time. Therefore, it is respectfully asserted that claim 20 is now in condition for allowance.

Claims 21-25 depend, directly or indirectly, from independent claim 20, and include all the limitations of this claim as well as additional distinguishing features. Therefore, Applicant respectfully asserts that dependent claims 21-25 are likewise allowable.

As discussed above, claims 1 and 2 have been canceled without prejudice. Therefore, the rejection of those claims under 35 U.S.C. § 102(e) is now moot.

Claim 3 has been rewritten in independent form and recites "...estimating a second value of the parameter for canceling an in-phase/quadrature phase mismatch of an in-phase/quadrature phase demodulator..". It is respectfully asserted that claim 3 is novel and non-obvious based at least on this distinction as well as any other distinctions (not specified by the Examiner) that led the Examiner to indicate the allowability of this claim. Therefore, it is respectfully submitted that claim 3 is now in condition for allowance.

Claims 4-16 depend, directly or indirectly, from claim 3 and include all the limitations of this claim as well as additional distinguishing features. Therefore, Applicant respectfully asserts that dependent claims 4-16 are likewise allowable.

Claim 31 has been rewritten in independent form to recite "...a feedback conversion unit having a demodulator and a mismatch multiplier of the demodulator..". It is respectfully asserted that claim 31 is novel and non-obvious based at least on this distinction as well as any other distinctions (not specified by the Examiner) that led the Examiner to indicate the allowability of this claim. Therefore, it is respectfully submitted that claim 31 is now in condition for allowance.

Claims 32-34 depend, directly or indirectly, from independent claim 31 and include all the limitations of this claim as well as additional distinguishing features. Therefore, Applicant respectfully asserts that dependent claims 32-34 are likewise allowable.

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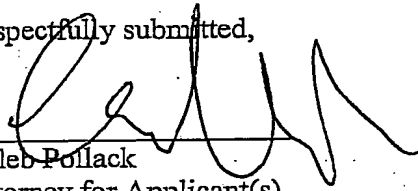
Claims 26-30 have been canceled without prejudice. Therefore, the rejection of these claims under 35 U.S.C. §-102(e) is now moot.

In view of the foregoing amendments and remarks, the pending claims of this application are deemed to be allowable. Their favorable reconsideration and allowance are respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,



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